



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION

ANDRE JUSTE,	§	
Plaintiff,	§	
	§	
vs.	§	CIVIL ACTION NO. 4:16-03831-MGL
	§	
LT. GAY T. OTTIS; C. MOORE;	§	
INDIVIDUAL DETENTION CENTER	§	
OFFICERS; IMMIGRATION AND	§	
CUSTOMS ENFORCEMENT (AGENT);	§	
U.S. IMMIGRATION AND CUSTOMS	§	
ENFORCEMENT (I.C.E.); DEPARTMENT	§	
OF HOMELAND SECURITY; and AGENT	§	
MARTINEZ,	§	
Defendants.	§	

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ORDER ADOPTING THE REPORT AND RECOMMENDATION  
AND SUMMARILY DISMISSING THE COMPLAINT WITHOUT PREJUDICE  
AND WITHOUT ISSUANCE AND SERVICE OF PROCESS

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This case was filed as a 42 U.S.C. § 1983 action. Plaintiff is proceeding pro se. The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting the Court summarily dismiss the complaint without prejudice and without issuance and service of process. The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo

determination of those portions of the Report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on February 3, 2017, and the Clerk of Court entered Plaintiff's objections on February 22, 2017. The Court has carefully considered the objections, but finds them to be without merit. Therefore, it will enter judgment accordingly.

The Court's characterization of Plaintiff's February 22, 2017, submission is a charitable one. Frankly, Plaintiff has failed to object to the Report at all.

After a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court adopts the Report and incorporates it herein. Therefore, it is the judgment of the Court that the complaint is summarily **DISMISSED WITHOUT PREJUDICE** and without issuance and service of process.

**IT IS SO ORDERED.**

Signed this 22nd day of February, 2017, in Columbia, South Carolina.

s/ Mary Geiger Lewis  
MARY GEIGER LEWIS  
UNITED STATES DISTRICT JUDGE

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**NOTICE OF RIGHT TO APPEAL**

The parties are hereby notified of the right to appeal this Order within sixty days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.